

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

**MARY MAYS**

321 S. Cass Street

Delphos, Ohio 45833

Plaintiff,

v.

**CONVERGENT OUTSOURCING, INC.**

c/o CT Corporation System

1300 East Ninth Street

Cleveland, Ohio 44114,

Defendant.

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) Case No: 3:14-cv-155

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) JURY DEMAND REQUESTED

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) **CIVIL COMPLAINT**

) **(Unlawful Debt Collection Practices)**

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**COMPLAINT**

PLAINTIFF, Mary Mays (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, Convergent Outsourcing, Inc. (Defendant):

**INTRODUCTION**

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

**JURISDICTION AND VENUE**

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy," and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

### **PARTIES**

5. Plaintiff is a natural person who resides in the City of Delphos, Allen County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 *U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in 15 *U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a Washington corporation and debt collector with an office in Montgomery, Alabama.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 *U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

### **FACTUAL ALLEGATIONS**

10. Defendant is seeking to collect an allegedly due and owed consumer debt incurred for personal, family, or household purposes. Upon information and belief, Defendant is seeking to collect on a Dish Network bill. Plaintiff does not believe that she owes the alleged underlying debt.

11. Beginning in February 2013 and continuing into at least July 2013, Defendant has placed collection calls to Plaintiff on a frequent, continuous, and excessive basis.
12. Plaintiff receives collection calls from Defendant at telephone number 419.692.8991.
13. Defendant places collection calls on a daily basis and calls Plaintiff up to three times per day.
14. Defendant places calls to Plaintiff for the purposes of annoying or harassing her. Plaintiff has requested on several occasions for Defendant to cease calling her, and Defendant has increased the volume of calls to Plaintiff.

#### **COUNT I**

#### **DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT**

15. Defendant violated the FDCPA based on the following:
  - a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
  - b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number.

WHEREFORE, Plaintiff, Mary Mays, respectfully requests judgment be entered against Defendant, for the following:

16. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*
18. Any other relief that this Honorable Court deems appropriate.

**DEMAND FOR JURY TRIAL**

Plaintiff, Mary Mays, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

/s/ J. Daniel Scharville

**J. DANIEL SCHARVILLE (0071132)**

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